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GLORIA MOLINA STATEMENT ON L.A. COUNTY JOINING COURT CHALLENGE TO PROPOSITION 8

'This Is a Civil Rights Issue for Everyone' Molina Says

LOS ANGELES (November 12, 2008)—Los Angeles County Supervisor Gloria Molina released the following statement upon today's decision by the Board of Supervisors to join the *City and County of San Francisco, County of Santa Clara and City of Los Angeles v. Mark B. Horton, et al.* lawsuit challenging the constitutionality of Proposition 8, which eliminated the right of same-sex couples to marry:

I am proud to present this motion—co-sponsored by my colleague, Supervisor Zev Yaroslavsky—to join an existing lawsuit challenging the constitutionality of Proposition 8. It is important for us to take a stand and uphold the equal rights of all California residents.

Last week, Proposition 8 passed by a narrow five percent margin. It eliminated the right of same-sex couples to marry—and it effectively overturned the May 2008 California Supreme Court decision which found the ban on same-sex marriages to be unconstitutional on equal protection grounds.

There are three separate court challenges to Proposition 8. Their arguments are two-fold: First, that revoking an existing right guaranteed by the Equal Protection Clause of the California State Constitution is not an amendment but a revision. Second, that such a move is not a fundamental right that could be subject to popular vote; rather, it is a deliberative process requiring—at a minimum—a Constitutional Convention or a two-thirds vote of the California State Legislature in addition to a popular vote.

And I agree.

Some may ask why, as a county supervisor, I would get so directly involved in this issue. First, as a county, we are directly responsible for the issuance of marriage licenses. Second, we are elected officials sworn to uphold the constitution. But third—and, in my view, most importantly—we face the dilemma of balancing the enforcement of Proposition 8 with upholding the fundamental equal protection rights of all our citizens. Simply put, we need clarity on this issue, and I believe joining one of these legal challenges to Proposition 8 is the most prompt and effective way of achieving this goal.

Separate from the legal level—on the very human and personal level—I feel compelled to say that Proposition 8's passage saddened and angered me for several reasons.

First, Proposition 8's passage basically mandates that certain people have fewer rights than others. It says that certain brothers, sisters, daughters, aunts, uncles, mothers, and fathers are second-class citizens—that though they have all the responsibilities of citizens, they have fewer rights. That is wrong.

Second, the right to marry—with all of its attendant rights and responsibilities—is a civil right, one that has nothing to do with religion. Nothing in the California Supreme Court's ruling or the Equal Protection Clause gives anyone the right to force any religious institution to marry anyone. So Proposition 8 is not about religion. It is about discrimination. And lest we forget, it took a California Supreme Court decision to overturn miscegenation laws in this state. As late as 1967, 16 states still had miscegenation laws on the books and in their respective constitutions. Back then, like now, opponents of this change used the same religious arguments being made today. President-Elect Barack Obama's parents would not have been able to get married in those 16 states.

Lastly, as a Latina, I am well aware of discrimination. I have dedicated my entire political career to fighting it. I began my career advocating on behalf of Spanish-speaking, Latina immigrant women whose most fundamental right of reproductive choice was taken away by others. Specifically, it was taken away by a group of county physicians who gave them no choice and no voice—and who made the decision that sterilization was right for them. Such abuses of power could not stand then and they cannot stand now.

While the focus is on the gay and lesbian community, I think this is a civil rights issue for everyone. Every vulnerable minority group in this state should be extremely concerned about the ability of the majority to reach into the constitution and change it to single them out and opt them out of the constitution's protections. That is something no one in this state can or should support. And it is something I intend to fight against.

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